

FILED
CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ OCT 28 2006 ★

UNITED STATES DISTRICT COURT

Eastern District of New York

BROOKLYN OFFICE

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE

Jose Paoletti-Moreda

Case Number: **CR 97-768 (3)**

USM Number: **63585-053**

Stuart Rubin, 26 Court St., Ste. 2506, Brooklyn, NY 11242
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) two

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC§ 1951(a)	Conspiracy to Commit Extortion, a Class C Felony	July 1997	2

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____
All open counts ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

September 27, 2006

/s/(NG)

Signature of Judge

Nina Gershon, USDJ
Name and Title of Judge

October 24, 2006
Date

DEFENDANT: Jose Paoletti-Moreda
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

One Hundred and Five (105) Months

X The court makes the following recommendations to the Bureau of Prisons:

The court recommends that the defendant be incarcerated together with his son Renato Paoletti-Lemus, and in an institution with other deaf inmates, such as the facility in Carwells, Texas.

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: **Jose Paoletti-Moreda**
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Three (3) Years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Jose Paoletti-Moreda
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SPECIAL CONDITIONS OF SUPERVISION

**The defendant shall comply with the restitution order
and pay \$50.00 every week after he is released.**
If deported, no illegal re-entry into the United States.

DEFENDANT: **Jose Paoletti-Moreda**
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ -0-	\$ 499,998.00 joint & several with with Renato Paoletti-Lemus

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of Court -EDNY	\$499,998.00	\$499,998.00	100%
United States District Court			
Brooklyn, NY 11201			

TOTALS	\$	<u>499,998.00</u>	\$	<u>499,998.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

RESTITUTION CHART

Victim	# months NY House	Jose Paoletti- Lemus
Miguel Aguilar	20.5	\$8,082
Juan Carlos Aguirre-Pineda	14.5	\$5,716
Jose Araujo-Carbajal	18.5	\$7,294
Jose Arreola-Rangel	65.5	\$25,824
Ana Avila-Orantes	6.5	\$2,563
Francisca Avilas	21.5	\$8,477
Jesus Barraza	41.5	\$16,362
Angelica Blancas-Morena	14.5	\$5,716
Jorge Ivan Buenostro	44.0	\$17,347
Liliana Certenez	10.5	\$4,140
Francisco Cruz-Valesco	18.5	\$7,294
Reynaldo Dolores	20.5	\$8,082
Carmen Ezparza-Sanchez	14.5	\$5,716
Rodolfo Gayosso	31.5	\$12,419
Concepcion Gonzalez	5.5	\$2,168
Ricardo Gonzales	14.5	\$5,716
Elvira Jimenez-Aldama	21.5	\$8,477
Rogelio Lastran	34.5	\$13,602
Wendy Leon-Maynez	21.5	\$8,477
Isaura Lima-Flores	26.0	\$10,251
Ofelia Loeza	20.5	\$8,082
Jose Lopez-Gutierrez	6.5	\$2,563
Veronica Mancila-Trejo	37.5	\$14,785
Myrna Matamoros	84.5	\$33,315
Rosalia Mendiola-Mejia	21.5	\$8,477
Lupita Muniz Rodriguez	14.5	\$5,716
Sara Oamjata	60.5	\$23,853
Rufino Ochoa	9.5	\$3,745
Miguel Palacios	21.5	\$8,477

Victor Portillo-Valdez	81.5	\$32,132
Maria Pueste	14.5	\$5,716
Patricia Ramirez-Osuna	0.2	\$79
Marta Rodriguez-Torres	47.5	\$18,727
Reyna Rodriguez-Torres	42.5	\$16,756
Veronica Ruiz-Perez	18.0	\$7,097
Ismael Santiago-Garcia	14.5	\$5,716
Juana Santos-Romero	14.5	\$5,716
Dolores Segovia-Zuniga	27.5	\$10,842
Oralia Silva	14.5	\$5,716
Jesus Teodoro	44.5	\$17,545
Alberto Vasquez	6.5	\$2,563
Fernando Velarde	83.0	\$32,724
Marco Vinico-Valdez	20.0	\$7,885
Jannett Vizcarra	9.5	\$3,745
Gregorio Zamora	63.5	\$25,036
Manuel Aldama	2.0	\$789
Miriam Garcia-Cervantes	7.0	\$2,760
Pablo Gomez-Diaz	2.0	\$789
Jose Morales-Galvan	2.0	\$789
Maria Trejo-Flores	2.0	\$789
Ana Rosa Velasquez	8.5	\$3,351
Total	1268.2	\$499,998

DEFENDANT: **Jose Paoletti-Moreda**
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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ADDITIONAL DEFENDANTS AND CO-DEFENDANTS HELD JOINT AND SEVERAL

Case Number	Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
	Renato Paoletti-Lemus	\$499,998.00	\$499,998.00	